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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/699,955 10/30/00 BARRY

D 1150/0H262

EXAMINER

QM12/0502

DARBY & DARBY PC  
805 THIRD AVENUE  
NEW YORK NY 10022

ART UNIT

PAPER NUMBER

3711  
DATE MAILED:

05/02/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

<b>Office Action Summary</b>	Application No. 09/699,955	Applicant(s) BARRY, DENNIS P.	
	Examiner Alvin A Hunter	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 October 2000.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

- |   |  |
|---|--|
| 15) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                  | 18) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s) _____   |
| 16) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 19) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 17) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 20) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Specification*

1. The abstract of the disclosure is objected to because it is longer than 15 lines.

Correction is required. See MPEP § 608.01(b).

2. The disclosure is objected to because of the following informalities:

- a) Figures 2g and 2h are not disclosed in the Brief Description of Drawings,

- b) Figures for "Brief Description of the Drawings" should be listed as separate figures, and

- c) On page, line 12, the word "parallelopiped" should read --parallelepiped--.

Appropriate correction is required.

### *Claim Objections*

3. Claim 2 is objected to because of the following informalities: In line 2, the word "parallelopiped" should read --parallelepiped. Appropriate correction is required.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barry (USPN 4093235).

Barry discloses, word for word, all of the limitations claimed by the applicant except for a multi-token means disclosed by the applicant in claims 1, 6, and 16, the

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multi-token being a parallelepiped object, representations on token being the same color, multi-tokens being different colors, and the multi-token being pyramid shaped (See claims 1 through 25). The multi-tokens means is merely three tokens combined into one token. Barry discloses in Column 4, lines 1 through 7, that a set of tokens used by various players include an automobile, a boat, and a airplane, in which are three forms of transportation. The applicant discloses in claim 1, lines 10 through 15, that the multi-token means has at least three surfaces of different modes of transportation. The applicant is merely combining the three separate tokens into one token, which does not change the play of the game. The shapes of the multi-token means are merely shapes that will allow at least three representations of different modes of transportation.

Furthermore, the representations on the multi-tokens being the same color and the multi-tokens being different colors are merely ways to eliminate confusion between players of with multi-token they are using. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to combine the three separate tokens disclosed by Barry into one token with three representations in order to reduce the number of game pieces. It also would have been obvious to one having ordinary skill in the art at the time the invention was made to modify tokens disclosed by Barry into one token shaped as a parallelepiped or pyramid shaped in order to accommodate three representations of tokens disclosed by Barry. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have the three representations on the multi-token the same color and the

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multi-tokens of different colors in order to eliminate confusion of what player is using which multi-token.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alvin A Hunter whose telephone number is 703-306-5693. The examiner can normally be reached on Monday through Friday from 7:30AM to 4:30PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeanette Chapman, can be reached on (703) 308-1310. The fax phone number for the organization where this application or proceeding is assigned is 703-308-7768.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.

  
JEANETTE CHAPMAN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700